

**OFFICE ACTION RESPONSE**

Application No.: 10/788,657

Filing Date: February 27, 2004

Title: APPARATUS AND ASSOCIATED METHODS TO INTRODUCE DIVERSITY IN A MULTICARRIER COMMUNICATION CHANNEL

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Docket No.: P16330X

**REMARKS**

This Office Action Response is being submitted in response to the Office Action dated June 29, 2007. Claims 1-22 have been canceled herein without prejudice thereto. New claims 23-29 have been presented herein. Claims 23-29 are presented herein for examination.

***Double Patenting***

Claim 1 was provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/789,387. Claims 2-22 were provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 2-22 of copending Application No. 10/789,387.

Claims 1-22 have been canceled herein. New claims 23-29 have been presented herein directed to a different class of statutory subject matter not claimed in said copending Application No. 10/789,387. It is therefore believed that the rejections have been overcome.

***Claim Rejections - 35 USC § 101***

Claim 8 was rejected under 35 USC § 101 as the claimed limitation was directed towards non-statutory subject matter.

Claim 8 has been canceled herein. New claims 23-29 have been presented herein directed to statutory subject matter since the instructions are stored on a storage medium and therefore claims 23-29 are in compliance with the Interim Guidelines on 35 USC 101, Annex IV(a): Functional Descriptive Material. It is therefore believed that the rejection has been overcome.

***Claim Rejections - 35 USC § 102***

Claims 1, 2, 7-10, 15-17 and 22 were rejected under 35 USC § 102(a) as being anticipated by Lee et al. (“A Space-Frequency Transmitter Diversity Technique for OFDM systems”, Globecom 2000, IEEE Global Telecommunications Conference; November 27, 2000).

Claims 1-22 have been canceled herein. New claims 23-29 have been presented herein that recite:

generating a rate-one, space-frequency code matrix from the received content for transmission on the multicarrier wireless communication channel from three or more of transmit antennae

as recited in claim 23 and its respective dependent claims 24-29. It is believed that Lee does not teach generating a rate-one, space-frequency code matrix for three or more antennae. It is therefore believed that the Lee document does not anticipate new claims 23-29, so the rejection should be withdrawn.

***Claim Rejections - 35 USC §103***

Claims 3, 11 and 18 were rejected under 35 USC § 103(a) as being unpatentable over Lee et al. (“A Space-Frequency Transmitter Diversity Technique for OFDM systems”, Globecom 2000, IEEE Global Telecommunications Conference; November 27, 2000) as applied to claims 1, 9 and 16, and further in view of Wei (U.S. Patent No. 5,559,561). Claims 4-6, 12-14 and 19-21 were rejected under 35 USC § 103(a) as being unpatentable over Lee et al. (“A Space-Frequency Transmitter Diversity Technique for OFDM systems”, Globecom 2000, IEEE Global Telecommunications Conference; November 27, 2000) and Wei (U.S. Patent No. 5,559,561) as applied to claims 3, 11 and 18, and further in view of Hottinen et al. (U.S. Publication No. 2005/0078761 A1).

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As discussed with respect to the § 102 rejection, above, claims 1-22 have been canceled herein, and new claims 23-29 have been presented herein that recite:

generating a rate-one, space-frequency code matrix from the received content for transmission on the multicarrier wireless communication channel from three or more of transmit antennae

as recited in claim 23 and its respective dependent claims 24-29. It is believed that Lee does not teach generating a rate-one, space-frequency code matrix for three or more antennae. Therefore, since the cited references in support of the § 103 rejection do not teach all of the elements recited in the claims, it is believed that the cited documents do not render the claims obvious. As a result it is believed the rejections should be withdrawn.

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**CONCLUSION**

In view of above, Assignee submits that this application is in condition for allowance. Therefore consideration of this Response and allowance of the application are respectfully solicited. If the Examiner believes that there are any unresolved issues in the application, it is requested that the Examiner telephone the undersigned at (303) 495-3700 to expeditiously resolve such issues. If needed, please charge any additional fees or credit overpayment to Deposit Account No. 50-4238.

Respectfully Submitted,

Intel Corporation, Assignee

Date: Dec. 31, 2007

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